

special
collections
DOUGLAS
Library



QUEEN'S UNIVERSITY
AT KINGSTON

KINGSTON ONTARIO CANADA

A N
A R G U M E N T

Concerning the

M I L I T I A.

*We have done the State some Service,
And they know it.—No more of that.—*



A N

A R G U M E N T, &c.

HERE is not, perhaps, in the whole circle of
 T political questions, a point of more general and
 more serious importance, more worthy at all times
 of public attention, than the great problem, How a
 nation may best be rendered defensible against attacks from
 without, or secured from intestine rebellions : With what
 kind of internal, essential, and vital force it should be en-
 dued ; and on what principles that force should be supplied,
 as distinguished from such powers as may be necessary for
 foreign conquest, and the resenting insults on its colonies or
 allies, the protection of its trade, or support of its external
 connections.

This point I hope to see enquir'd into with the honest
 spirit of enquiry ; to see it consider'd as a new proposition,
 now claiming our unbiass'd consideration, disencumber'd
 from the various prejudices which the word Militia has
 impress'd on men's minds, according to their various prin-
 ciples or connections ; in a word, consider'd as it is ; a
 system so very widely differing from what either the friends
 or

or the enemies to the first proposition expected to see, that I must be excused if I say, it were no mark of candour in either, to make the sentiments and the passions of two years past, the rule and guide of their present opinions.

Forgetting then, that it almost owes its existence, and well-nigh its destruction to popular clamour; forgetting every collateral and unnecessary, much more every invidious topic; every point, suggesting or reviving prejudice, or already discolour'd by debate, opposition, or misconstruction; but above all avoiding, if it be possible, the jealous and untimely notion of a ballance against the army of the crown, let a new field be entered into; a field of enquiry, not of contention. Let us see in it simply, a temporary force, confined and pointed to the defence of our country and our king; headed by men of property in the one, and loyalty towards the other. Let us assume too, that there is a something now existing, (no matter how produc'd) which has done important service to this country. Examine what that something is; dissect it while yet alive; fix it, analyse it, secure it. Be it, or be it not Militia, see what are its constituent parts; and what is necessary to be done, in order to insure the having always on occasion, that something within our reach.

That there ought in every state (whatever its foreign calls) to remain some sure and responsible defence; and that this defence, be those calls ever so pressing, is the first irresistible consideration; is a proposition, which it
were

were waste of words to defend, while it is true, that the necessary takes place of the superfluous ; safety of conquest ; existence of acquisition. And I think likewise, that it follows with almost equal clearness, from every well-consider'd, experienc'd, and constitutional principle, that this defence should be administered as other warlike exertions are : The sword of defence, as the sword of conquest : wielded by the hand of the crown, and *virtually* drawn or sheath'd, guided or restrained, by the direction of parliament, and the power of the purse. The sole question before us then is, Whether it be contrary to the rules of policy, inconsistent with security, or with oeconomy, that this force should (if it may be so contrived) be temporary, yet always at hand ; confined to this one object, the easiest of execution, and first in rank : and if it should be headed by the property of the country. For these, if I mistake not, are the principal and necessary characteristics of a Militia, (if we must have the word) as differing from the rest of our forces.

There is one point, which, as the law now stands, seems, to my apprehension, very exceptionable : I think almost alone exceptionable : And I esteem it the part of an honest friend, rather to search home for every defect, and rescind every vitious part, than to flatter the opinion of any man ; or indiscreetly and uncandidly to risk the honour of the whole, by straining reason for the defence of any untenable part. The great question will then stand unencumber'd with a circumstance, which I cannot by any means think essential to it ; nay, which I am persuaded,

B

on

on the contrary, is the indefensible one in theory, as it has been the great, the almost insuperable clog in practice. That done I shall not fear to leave a defensible question in the hands of abler defenders, tho' not better friends than myself; nay, I wou'd almost venture to leave the various and contradictory objections to the mercy of each other.

The exceptionable part which I mean, is the system of balloting; concerning which I will speak as clearly as as I can, and as concisely as the question admits.

It is a truth undeny'd, and undeniable, that all governments have a right of calling on the subject for the exertion of their abilities, on all occasions of the state; as for waging it's wars, securing it's commerce, fulfilling its engagements, or defending its liberty: And this in proportion to those abilities. It is on this principle, that all taxation is founded; the use of money furnishing in all societies, a ready measure of those abilities; a few cases only excepted, where some of our most invaluable rights, and which admit of no equivalent, are in question.

It is on the same doctrine, that this most forcible and most important truth, is to be maintained; that in cases of necessity, and where the very being of a constitution is at stake, every state has an absolute and indefeasible right of calling on every subject, capable of personal service, to stand forth in defence of his country in its distress: And, I say, this is on the same principle; because it is no other than

than an equal taxation of that property, in which rank or fortune make no difference; I mean personal ability.

But until the near approach of danger makes it necessary, there seems not the shadow of a reason, why the military business of a state should not be procur'd, as all others, by fair bargain; the price of which is to be paid out of the joint-stock, rais'd equitably on the property. For two circumstances are necessary to justify this measure of force: Not only, that the service must be had; but that it can, in no reasonable way, be come at without it. Else as good reason were there to make a law for the impressing men to be husbandmen, bakers, or taylors; since no service is more essentially necessary than theirs.

Now, by the way, let me observe, that it is not quite easy to conceive this emergency taking place, while foreign wars are carrying on, which are not of a nature in themselves, or by their immediate consequences, to justify such a measure: For then the compulsion of service is, in effect, not for defence, but for the carrying on those wars.

But I will suppose it come to that point, when the state calls on its able subjects to fight its battles, to defend their properties, liberty, and constitution. This necessity may extend to all. All may not be too many for the work. And then the old and infirm, who cannot be called on for that they have not; nor ought, I think, to be tax'd for the want of it, have only to pay their share towards the expence of the war, and the support of the rest. While
these

these last, tho' they owe their persons over and above other taxes, yet must not suffer in their property otherwise, than as that property is affected by the general laws of taxation.

But if only a part of this force is wanted, and no way offers to determine which must serve, but that of lotting, (only equitable when unavoidable, because always unequal when made) the unhappy necessity must be yielded to, and such, to whose lot it falls, must give up their persons and their liberty for the defence of the rest. Compelled as they are to game, and to game very high, and losers, they must not yet complain. They must yet submit to the martial law. They must exchange the valuable privileges of a free-born subject, for the harsh, yet necessary constraints and severities of discipline; and they must not yet complain: It is their lot, and that lot was unavoidable. It is necessity; it is emergency; *Ne quid detrimenti, &c.* And no difference of rank or fortune argues here; except, perhaps, as to the kind and propriety of the service. They are here tax'd in that, wherein all liable to this call are supposed equal.

Now, if this emergency, this impossibility of being serv'd in any other way should not be such an emergency, or such an impossibility, but that the state might accept of a commutation for this personal service in money, or of one man's service for another; and thus make it a property transferable for money; it becomes no longer such a property, of which the rich man cannot be said to have more
than

than the poor, but, being money's worth, is to be redeem'd by all in proportion to their properties ; it is part of their riches. If it be no longer *his own* personal service which the rich man is to furnish, (being his all) but *a* personal service, whereof he can furnish one hundred as easily, as the poor man one ; he is indebted in that proportion to the state. His exertion, his burthen is not more than the poor man's. The state shall not say to the rich and the poor, *You shall all give an equal quantity either of that, wherein you are equal, or of that wherein you are not equal, at your choice* : For there is no doubt but the rich will chuse the last, and the effect will be inequitable. Else, in this form, an unequal tax might at any time be laid ; a capitation, without respect to fortunes, by first saying, *serve in person*, and then remitting the service for such a sum, as the poor man could just scrape together, rather than serve ; and as the rich man would laugh at.

While the service remains incommutable, untransferable, nothing can be said ; and government has therefore, for the publick safety, a right to call even for a limb, or a child, if one could suppose the sad necessity of making such a sacrifice : but if, after every subject were call'd upon by the law to suffer the loss of a finger, the grievance were remitted for a sum, which would almost ruin the poor man, and not be felt by the rich ; certainly the injustice were crying. And I am perswaded the justness of this reasoning will strike every one, when apply'd to any case of the same kind, which may suggest itself to his thoughts.

Indeed,

Indeed while the burthen laid; while the quota necessary to supply the exigencies of the state, is of any kind incapable of being transfer'd, or purchas'd by riches, riches are by no means the measure of what that quota ought to be: They are an accidental circumstance. The rich man is not rich in *that*: his riches avail him not: And on this rests the justice of absolute lotting. But if the state, wanting an aid, is willing to accept a fine, (which is the case of the 10 l. forfeit) or if, requiring it in kind, the thing itself is to be had for a price (which is the case of substitution) the poor man then feels his want; the rich man his advantage: the equality ceases: Commutation strikes at the root of the principle; as the allowance of it argues the non-necessity of the thing, and the non-existence of that emergency, with which we set out: Property is allowed to take place; and I scarce know the meaning of distributive and equal administration, if regard is not then justly to be had to the general riches of the party.

Surely, therefore, it is plain, if proposition *can* be plain, that when once a property is made common to all, in proportion to their riches, and you thereby suffer the wealthy to avail themselves of their abundance, they become rich in *that*, and are to be call'd on in consequence. —Tax me in *my days work*; take it: rich or poor, it is all I have in that kind; but tax me in *days works*; I have many and must furnish in proportion.

The truth is, the state has a dormant right, a most valuable part, a most rich property in every subject; the great price

price of protection : To which, whenever it becomes by its wants entitled, (for the wants of the state are claims) it is thereby entitled to all that the owner *will give to redeem it*: for the right to the thing implies all that; and if it demand the whole, it must remit no part to any *of what they will so give to redeem it*. And if but a part, it must remit distributively to all; none must have a better bargain than his neighbour: and the best legislative, tho' imperfect measure of this, is property. Had the public a right to a child from every parent, it must surely make the man of 10,000 l. a year redeem his child at another price, than him who has but 10 l.

Here then appears a plain difference between the simple question of lotting, and that of a power of substitution, or commutation connected with it. This difference, has, I think, been overlooked; or at least undervalued: and I have chosen to insist somewhat the more upon it, because the apparent equality of a ballot, has, I conceive, struck our imagination, and led our judgment to a somewhat hasty conclusion.

I cannot, however, help adding a word concerning an answer, and a specious one enough, to this objection, arising from the liberty of substitution.

Against this objection then, it is thus argued;—That lotting itself being agreed to be equal measure, what worse is the poor man *afterwards*, by the rich man's finding a substitute, or paying 10 l. than by his serving in person? To which, I conceive, this is a perfect reply: Subjects have not only a right to have *but* an equal share of a burden laid on

them ; but likewise to have an equal share of any ease from that burthen. You say, the poor man is no worse for the commutation of the rich. I say, but he had a right to be better ; for the rich man is better. There was (after accounts settled and ballanced) an indulgence, an ease, a beneficial exchange offered to the rich ; and only the mockery of an alternative to the poor. Here is a partial distribution of indulgencies ; to a share of which, the poor man had a right. It were notable justice, first indeed, to lay a fair and equal tax, and then remit a part of it to some ; crying to the rest, *What are ye the worse, friends !*

Nor can I allow it good argument to say, that the rich man is not let off cheaply ; being made to find as good a man as himself for government : for the equality of taxation does in no wise consist in the equality of produce, or benefit to the public from each individual ; but in the equality of the burden of each individual.

And now I very much deceive myself, if it be not clear and indisputable, that, whenever men are allowed to commute for any service, they must commute in proportion to their abilities in that kind, in which they are so allowed to commute : and that, when the liberty of substitution, or fine, enables the rich man to avail himself of his riches ; from that moment *ceases* that equality, on which alone the doctrine of personal service can be supported.

One word as to the principle, and the effect of lotting simply considered : meaning by all means, to except those last stages of emergency, where the great and original principles

ples of society begin to take place ; and the state calls upon us with a voice too sacred to be either slighted or wantonly raised. Till then, let us a little enquire, whether it be time to cast lots before we know if the piece be woven without seam ; and whether we ought too hastily to enter on a measure, which is most certainly an impeachment of the liberty of a portion of the subjects ; and a withdrawing from them some of the benefits of the laws of their country : and this as a kind of composition for the security of those laws and that liberty. Surely this deserves some calculation.

To speak then of the more ordinary cases, I wish to know the advantages, which make it so pertinaciously preferred to every other more simple, and common way of supplying the defence of the state. It must surely procure better men, it must procure them cheaper ; it must call forth such as are more particularly adapted to this service ; or it may be, it must get them in a more pleasing and popular manner. There must surely be some arguments of strange force to convince us, that our liberties are no way so well to be defended, as by pressed men ; or that gentlemen of rank and liberal consideration in their country, appear no where with such propriety, as at the head of Gally-slaves. Now if it appear, that worse men are obtained ; that it is no cheaper ; that it is most disgusting ; that it not only brings men to that for which they are not fit, but takes them from that, for which they are fit ; it can have little force to answer, That nevertheless the state has a right to this.

It were truly very hard to debar the state of a right to do its business in the worst way possible : yet, let me be indulged

to enquire, Which of the good ends promised by this method has been effected ; and if some unforeseen bad ones have not ensued. The first, and the great idea was, that all men able, should in turn, learn the use of arms, that so we might have near a million of fighting men in the state. Well, if this be necessary, allow not of substitution ; (for nine in ten avail themselves of that law) and see the consequence : let me ask the Militia officer, who has now some right to be consulted, if he wishes for a greater proportion than he has, of lotted men. No ! he very heartily wishes all were substitutes ! Why then pass through the uneasy steps of balloting ; and why call on the lotted man ? since a volunteer is found at last. He is not thereby found more equitably : is he found cheaper ? Oh yes, say you, for nothing ; the lotted man finds him. Now, see how this matter stands : he has cost five, eight, ten pounds, (for the price of three years service has been raised to that of enlisting for life, by the necessity, to which you have driven the buyer ;) and because this sum is raised, perhaps, by way of subscription amongst a set of men liable to the lot, and not by the government, we cry it costs nothing. We dont hear of it in our supplies ; the figures stand not against us. We hide our heads, think no one sees, and are well satisfied. Short-sighted calculation ; timid and false œconomy. So acts he, who can not put his hand to his pocket ; but will draw on his steward for double the sum. Do we not know it will come to account, and that these are the worst of taxes. The money is raised ; more than enough is raised : for the very idea of lotting carries terror, and hurries the poor man, whose family depends on him, to ensure at an unreasonable price ; as against a fire or an inundation.

But

But it ends not here; for to remedy this evil, which yet it has not remedied, arose the expedient of providing for families; a necessity, which we have drawn on ourselves; but this too, costs nothing, for it is out of a county-rate. This does not lie upon the table; no matter how ill-administered, how unnecessary, it does not lie upon the table: let us now, in good truth, reckon up matters without flattery, and say, if all this is œconomy.

But what, in the mean time, is become of the whole scheme of balloting, and of the views on which it was established. The yeoman, the man of property, is not in the ranks; nor do I wish him there. The last man, I desire to have the command of, is the substantial tenant or freeholder; and ask, if I am singular; it were an ungracious business to bring a constituent to the halberds, or too bitterly to animadvert on *him* for getting drunk to day, whom courteously I entreated, and invited by example, to do the same but yesterday. See who wishes for property in the ranks: ask, who is not even afraid of issuing three shillings and five-pence at one payment, lest property should overturn order. Shew me but the property of one week's wages in the corps on the Saturday night, and it is odds, but the yeomen are endued with mighty drunken, yea, and insolent properties on the morrow.

Considered then in any view, can we think it eligible to execute this measure of lotting, and make it take place in *fact*. Can it appear to any one, that the very best way of appointing to any business, is to chuse by chance; to mix by no other law, than that of hazard, the young, the married, the awkward, the old, the spirited, the robust, and the puny; the ill-disposed, and the unhappy; the tall and the
short?

short? Would any man thus chuse and allot his servants to the different kinds of service, of which he had need? And in truth, so unluckily does the lot sometimes fall; so much does the unfortunate, tho' ridiculous object of it, scandalise the officer, that he fears nothing so much as that the poor creature should be for fighting; because in that case he cannot compel him to find one who shall pass muster better than himself. And by the way, I would gladly know by what equity, by what claim of the state it is, that he, who has but one eye, shall be compelled to find a man with two for its service.

Yet all this were not so very absurd, if the business were to rush out with flails and pitchforks, or any weapons chosen likewise by *honest chance*, and maintain a sudden and a rustick war, every man in his own gap. If mere zeal, and the spirit of self-defence were sufficient, then indeed the father were to be preferred to the thoughtless youth; the husband and parent, to the single and unattached. But battles are not won by fury, but by discipline; and to discipline, uniformity is necessary, and a thousand details of soldier-like appointment, even to the cock of a hat and the powdered hair; without which, (and an emulation in them too) the soldier, nay, and the officer, zealous as he may be for his country, will not long keep up the spirit of martial performance.

On these arguments I am willing to rest the merits of this question, in the judgment of either the legislator, or the officer. From these arguments I venture to draw this conclusion; that if we consider a ballot as taking real effect, it
appears

appears ridiculous, impracticable, and carrying an Utopian idea of property and patriotism into the ranks : That on the other hand, compelled as we are, to allow of fining or substitution, it becomes the inconvenient, burthensome, and odious expedient of unequal taxation. Let all things be left to the places assigned to them by their nature ; and by the wholesome subordination, so essential to all societies. The men of property in a country, have doubtless a right to act a principal part in its defence ; it is doubtless their duty, their bounden duty. The ranks should be supplied from the lowest orders of men, and then discipline will not be the worse, but the better observed ; good behaviour in all kinds, not the worse, but the better enforced, for every additional bond of neighbourhood, and of provincial authority and dependance.

And now having, with very little art, but with all the plainness I could, and with perfect freedom, expressed my sentiments on this head ; it hurts me very little to consider, that I have, perhaps, furnished matter of triumph to the old enemy of the measure, in thus giving up one of its material parts. Little bent upon victory, and very earnest in the search of truth, I am not defending this man's or that man's opinion ; nor do I think it worth two lines to inform the reader, how long I have been in this opinion myself. If I am right in it, be it all the merit I claim, to have purged away the dross, that the remaining gold need little more than to be assayed : that which was superfluous and burthensome,

E

being

being work'd off, what remains but *ipsa forma*? and if that be out of proportion, if it be distorted or ungraceful, it will little avail to strain language in its praise.

Yet I could wish to see justice done to a great subject, by a hand able to do it justice. I wish to see the weighty objections, if such there are, treated with respect, and answered (for they can be answered) by reason; even the frivolous ones treated with candour, and answered with temper; the rancorous and agonistical, with ridicule and contempt.

In the mean time, and before I drop my pen, let us for a moment, look back and take a short view of our principles. Let us recall our definition. An army of defence; its operations limited to our island; its force exerted by our king, regulated by parliament, and lead on by property.

Then, old questions being laid aside, invidious topics being forgotten, let us see if the idea be dangerous, impracticable, or ruinous: if it be not, let no man in this great business mispend his faculties in taunting his neighbour for mistakes. Let no original friend to the establishment cry in triumph, *Behold our strength, our performance; and said I not so?* Let no former enemy to the system, as it appeared at first, reply, *You have changed your plan; you have in fact confessed your error, and adopted new principles.* Let no man in the indecent spirit of ill-grounded exultation, or disappointed rancour, recapitulate the altercations that have arisen in the production of this great work, the throws of its birth: let no one indulge

dulge the dishonest pleasure of recalling to mind the untoward circumstances of its education, and the unwarrantable heats of its youth ; but drawing a kindly veil over every ungracious circumstance, let every man honestly and strenuously set himself to the work, and I trust there will not be wanting either a sober spirit of debate to plan, or a manly spirit of defence to execute such things, as may make our island smile in security, and in freedom, at the threats, the vain threats of her enemies.

F I N I S.

